IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

[1] S.B. CIVIL WRIT PETITION NO.828/07

Raje Singh Rawat

Versus

Raj. State Agricultural Marketing Board & Anr.

[2] S.B. CIVIL WRIT PETITION NO.829/07

Chunnilal

Versus

Raj. State Agricultural Marketing Board & Anr.

[3] S.B. CIVIL WRIT PETITION NO.5993/04

Smt. Usha Khandelwal & Anr.

Versus

State of Rajasthan & Anr.

DATE OF ORDER :: 06/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. R.C. Joshi] for petitioners
Dr. P.C. Jain]
Mr. R.A. Katta, for respondent-Board
Mr. B.K. Sharma, Dy.G.A. for State

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Instant petitions have been filed by petitioners in regard to age of superannuation which they are claiming to be 60 yrs. in terms of Regulation 20(2) of Service Bye-Laws, 1977.

Division Bench has examined the controversy while examining the scheme of Bye-laws and so also its amendment whereby Clause 35-A was inserted in the Service Bye-Laws, 1977 on 22nd February, 2007.

Since the controversy has been examined by the Division Bench in D.B. Civil Special Appeal [Writ] No.135/07 & connected matters, decided on 1st March, 2007, it no more remain res integra to examine the issue any further. The operative portion of the judgment is reproduced as under:

> "The apprehension of the appellant, in our opinion, is unfounded. Nevertheless it requires clarifications. Having held that the retirement age of the employees of the Board was sixty years until 22.2.2007, the persons who have already retired on attaining the age of fifty eight years but have not attained age of sixty years as on that date have to be treated as members of the service. If they did not work during the period, they would not be entitled to salary but they would be entitled to notionally count the period as part of service and entitled to retiral benefits. Such of them who remained in active service and performed duties would be also entitled to the salary and other emoluments for the period upto 22.2.2007 or attaining the age of sixty years whichever was earlier".

In view of judgment of Division Bench [supra], all the writ petitions stand disposed of and benefits, which petitioners are entitled for, be computed and paid to them within two months. No order as to costs.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.